

4. Pursuant to 28 U.S.C. § 1446(a), Swift attaches copies of all process, pleadings and orders served upon it, including: a true and correct copy of Plaintiff's Complaints.

Timeliness of Removal and Amount in Controversy

5. Plaintiff's complaints were never properly served. However, Swift, through counsel, accepted service of the amended complaint on April 21, 2022. Then, on April 27, 2022, Plaintiff attempted service of the amended complaint on Mohave Transportation Insurance Company, an improper entity. (*See Exhibit C*)

6. This Notice of Removal is being filed within thirty (30) days after service of the amended complaint was accepted, and is therefore timely pursuant to 28 U.S.C. § 1446(b).

7. On April 21, 2022, Plaintiff also made a demand to counsel for Swift of \$750,000.00. Accordingly, the amount in controversy in this case exceeds \$75,000, exclusive of interest and costs.

Diversity of Citizenship

8. According to the Complaint plaintiff is an individual residing in Texas. Therefore, it is presumed that Plaintiff is a citizen of Texas.

9. Swift is a limited liability company, with Knight-Swift Transportation Holdings as its sole member. Knight-Swift Transportation Holdings is incorporated in the State of Delaware with its principal place of business in the State of Arizona.

10. Defendant Junior Fernandez has not been served and thus his citizenship should be disregarded for the purposes of determining diversity. However, Mr. Fernandez is believed to be an individual residing in Georgia. Therefore, it is presumed that he is a citizen of Georgia.

11. Accordingly, pursuant to 28 U.S.C. § 1332 (c)(1), diversity of citizenship exists between the parties.

Plea for Removal

12. 28 U.S.C. §1441(a) provides that a state court action over which a district court of the United States would possess original jurisdiction may be removed to the district court for the district and division embracing the place where the state court action is pending.

13. There is diversity of citizenship and the amount in controversy exceeds the jurisdictional requirement of seventy-five thousand dollars (\$75,000.00); therefore, this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1332 and removal of this proceeding to this Court is proper pursuant to 28 U.S.C. §1441.

14. Written notice is being given to all parties and to the Superior Court of New Jersey, Law Division, Middlesex County that this Notice of Removal is being filed with this Court.

WHEREFORE, Swift respectfully requests that the entire state court action under MID-L-331-22, currently pending Superior Court of New Jersey, Law Division, Middlesex County, be removed to this Court for all further proceedings.

GOLDBERG SEGALLA, LLP

BY: /s/ Christopher P. Midura

CHRISTOPHER P. MIDURA, ESQUIRE

Attorneys for Defendant Swift Transportation Co of Arizona, LLC (improperly pled as Swift Transportation Mohave)

Date: May 9, 2022

EXHIBIT A

Form A

BATCH #	600	PAYMENT TYPE	AH
RECEIPT#	000349981	DATE	1/11/2022
REFERENCE #	14868487	AMOUNT \$	\$250.00

Plaintiff or Filing Attorney Information:Name Mr. Garlond P. WILLIAMS

NJ Attorney ID Number _____

Address 2230 Neal StLongview Texas 75602Telephone Number 903-215-2231MR. GARLOND WILLIAMS

Plaintiff,

v.

Swift Transportation Mohave / Junior E.Fernandez

Defendant(s).

Superior Court of New Jersey

Law _____ Division Middlesex County

Civil _____ Part

Docket No: _____

(to be filled in by the court)

Civil Action

ComplaintPlaintiff, MR. GARLOND WILLIAMS, residing at
(your name)2230 Neal ST, City of LONGVIEW

(your address) (your city or town)

County of GREGG

(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On JANUARY 7TH, 2020, Swift Transportation Mohave, Defendant
(name of person being sued)

(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)

DRIVER OF #1 SWIFT TRUCK #173859, HIT GARLOND WILLIAMS
#2 TRUCK #2633 AND TRAILER causing me to be flung out of the top bunk; also collided into the
back of #3 truckThe defendant in this action resides at Swift Transportation, P.O. BOX 29243, Phoenix, AZ,
(defendant's address)In the County of Phoenix, AZ, State of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.


Form A

3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)

1. Property Damages (Out/OF Pocket expenses down time= TRUCK#2633 DAMAGE STEERING, HOOD CAB AND TRAILER#24430 DAMAGE in transit back to Terminal (STOP#1 39125 MAIN ST, Euless, TEXAS, 76040) (STOP#: DROP Trailer#24430 in 3065 RECOGNITION POINT IRVING, TEXAS)= START RUNNING BAD HAD TO GET TRANSMISSION REPLACED IT WON'T GO IN REVERSE OR 1,2 GEAR(part 1out/pocket\$5,407.46) transmission \$10,500
2. PAST Medical Bills Expenses =(\$24,000 +FUTURE Medical \$10,000=\$34,000) car/rental to DR.=\$3,492.61.
3. 1#LOSS of Income:
2#BANKRUPTCY CASE#20-60122 2/28/2020 Debt. ATTORNEY WILLIAM H.LIVELY 432 S. Bonner Ave. Tyler, TEXAS 75702 PHONE# 903-593-3001
3#Pain/SUFFERING=\$210,000

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

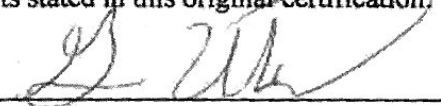
Dated: 01/07/2022

Signature: 

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: 01/07/2022

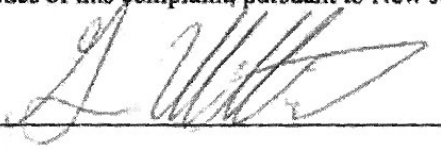
Signature: 

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated: 01/07/2022

Signature: 

Claim # 20012-70030962



		Civil Case Information Statement (CIS)		For Use by Clerk's Office Only	
		Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		Payment type: <input type="checkbox"/> ck <input type="checkbox"/> cg <input type="checkbox"/> ca Chg/Ck Number: Amount: Overpayment: Batch Number:	
Attorney/Pro Se Name		Telephone Number		County of Venue Middlesex	
Firm Name (if applicable)				Docket Number (when available)	
Office Address: 2230 Neal Street Longview, TX 75602		2230 Neal St. Longview Texas 75602		Document Type Complaint	
				Jury Demand <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Name of Party (e.g., John Doe, Plaintiff) Garland Williams		Caption Vehicle DAMAGE Bodily injury LOSS/ WAGES pain and suffering LOST time			
Case Type Number (See reverse side for listing) 610	Are sexual abuse claims alleged? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this a professional malpractice case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If you have checked "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit.			
Related Cases Pending? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes," list docket numbers			
Do you anticipate adding any parties (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name of defendant's primary insurance company (if known) MOHAVE/ TRANSPORTATION INSURANCE COMPANY <input type="checkbox"/> None <input type="checkbox"/> Unknown			
The Information Provided on This Form Cannot be Introduced into Evidence.					
Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation					
Do parties have a current, past or recurrent relationship? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "Yes," is that relationship: <input type="checkbox"/> Employer/Employee <input type="checkbox"/> Friend/Neighbor <input type="checkbox"/> Other (explain) <input type="checkbox"/> Familial <input type="checkbox"/> Business			
Does the statute governing this case provide for payment of fees by the losing party?				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition					
 Do you or your client need any disability accommodations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, please identify the requested accommodation:			
Will an interpreter be needed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, for what language?			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).					
Attorney Signature:					

EXHIBIT B

Save

Print

Clear

Form A

Plaintiff or Filing Attorney Information:

Name Mr. Garland P. Williams

NJ Attorney ID Number _____

Address 2230 Neal StLongview Texas 75602Telephone Number 903-215-2231 or214-876-4772 Big G xpress

Big G Express LLC.

Mr. Garland Williams
Plaintiff,v.
Swift Transportation Mbbave
Junior E. Fernandez
Defendant(s).

Superior Court of New Jersey

Law Division Middlesex County

Civil Part

Docket No: _____
(to be filled in by the court)

Civil Action

Complaint

Plaintiff, Mr. Garland Williams, residing at
(your name)2230 Neal St, City of Longview
(your address) (your city or town)County of Gregg
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On January 27, 2020, Swift Transportation Mbbave, Defendant
(name of person being sued) Junior E Fernandez
(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)Driver of #1 Swift truck #173859 Junior E Fernandez,
hit Garland Williams #2 truck #2633 and trailer
causing me to be flung out of the top bunk; also
collided into the back of #3 truck causing the erosion
of Big G xpress LLC, Bad Faith Financially Status.The defendant in this action resides at Swift Transportation P.O. Box 79743
(defendant's address) Phoenix, AZIn the County of Phoenix AZ, State of New Jersey.
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.

Form A

3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)

1. Properly damages (Out of pocket expenses downtime = Truck #7633 Damage Steering, Hood cab and trailer #74430 Damage in transit cost back to terminal (Stop #1 Corb Mills shop (1553 mi) Stop #2 Xtra Drop yard (1545 mi) Transmission replaced 10,500 due to broke shift forks for 1st and 2nd Gear labor = \$4096.03
2. Medical (\$27970)
Loss of Income (2020 - 2021) - (\$307,040.00)
Loss of Income (January - current 2022) - (\$35,040)
3. Erosion of Big G Express LLC \$1166,714.39 Pain and Suffering dealing with Dad Faith - (\$210,000)

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated: 1/07/2022

Signature: [Signature]

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: 1/07/2022

Signature: [Signature]

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Dated: 1/07/2022

Signature: [Signature]

EXHIBIT C

NATIONAL REGISTERED AGENTS, INC
SERVICE OF PROCESS SUMMARY TRANSMITTAL FORM

To: Araceli Deleon
Swift Transportation Services, LLC
2200 S 75th Ave
Phoenix, AZ 85043-7410

SOP Transmittal # **541479273**

Entity Served: MOHAVE TRANSPORTATION INSURANCE COMPANY (Domestic State: ARIZONA)

Enclosed herewith are legal documents received on behalf of the above captioned entity by National Registered Agents, Inc or its Affiliate in the State of ARIZONA on this 27 day of April, 2022. The following is a summary of the document(s) received:

1. **Title of Action:** Mr. Garland Williams vs. Swift Transportation
2. **Document(s) Served:** Other: --
3. **Court of Jurisdiction/Case Number:** None Specified
Case # MIDL00033122
4. **Amount Claimed, if any:** N/A
5. **Method of Service:**
☒ X Personally served by: ☒ X Process Server ☐ Law Enforcement ☐ Deputy Sheriff ☐ U. S Marshall
☐ Delivered Via: ☐ Certified Mail ☐ Regular Mail ☐ Facsimile
☐ Other (Explain):
6. **Date and Time of Receipt:** 04/27/2022 02:59:00 AM CST
7. **Appearance/Answer Date:** None Specified
8. **Received From:** None Specified
9. **Carrier Airbill #** 1ZY041160194050391

10. **Call Made to:** Not required

11. **Special Comments:**
SOP Papers with Transmittal, via UPS Next Day Air

Image SOP

Email Notification, Anne Rowell anne_rowell@swifttrans.com

Email Notification, Araceli Deleon Araceli_Deleon@swifttrans.com

REMARKS : Due to the illegible condition of the enclosed documents, CTs transmittal may be incomplete.

Registered Agent: NATIONAL REGISTERED AGENTS, INC

CopiesTo:

888-579-0286 - Telephone
602-248-4441 - Fax

ORIGINAL



PROCESS SERVER DELIVERY DETAILS

Date:

Wed, Apr 27, 2022

Server Name:

Drop Service

Entity Served	SWIFT/MOHAVE TRANSPORTATION INSURANCE
Case Number	MIDL00033122
Jurisdiction	AZ

Inserts		



Form A

Save

Print

Clear

Plaintiff or Filing Attorney Information:

Name Mr. Garland P. Williams

NJ Attorney ID Number _____

Address 2230 Neal StLongview Texas 75602Telephone Number 903-215-2231 or214-876-4772 - Big G xpressBig G Express LLC.Mr. Garland Williams
Plaintiff,Swift Transportation Nbbave
Junior E. Fernandez
Defendant(s).

Superior Court of New Jersey

Law Division Middlesex CountyCivil PartDocket No: MID L 00033122
(to be filled in by the court)

Civil Action

Complaint

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(your name)
(your address)County of Grecoia
(your county)City of Longview
(your city or town)

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2. Medical (27920)
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Loss of Income (January - current 2022) - (\$35,040)
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Dated: 1/07/2022

Signature: [Signature]